

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED

SAMUEL J. BOURNE,  
Plaintiff

2012 AUG 27 A 11: 38  
Docket No. 12-cv-251-JL

v.

STATE OF NEW HAMPSHIRE,  
SUPREME COURT OF NEW HAMPSHIRE,  
LINDA STEWART DALIANIS individually,  
JAMES E. DUGGAN individually,  
GARY E. HICKS individually,  
CAROL ANN CONBOY individually,  
ROBERT J. LYNN individually, and  
EILEEN FOX individually,

Defendants

**PLAINTIFF'S MOTION TO STAY ALL FURTHER PROCEEDINGS**

Now Comes the Plaintiff Mr. Bourne and respectfully request this Court to Stay all further proceedings, until a ruling can be obtained from the 1st Circuit Court of Appeals, regarding this Court's failure to recuse itself, and/or more specifically, due to Magistrate Judge McCafferty's failure to recuse herself, even after evidence of known conflicts of interests are evident, and the Plaintiff states as follows:

1. The Plaintiff completely objects to Magistrate Judge McCafferty being allowed to review any aspect of the pending action.
2. The Plaintiff is now forced to file a "*Motion to recuse by petition for a writ of mandamus*", before the First Circuit Court of Appeals, due to this Court deliberate failure to recuse itself after known conflicts of interest were discovered.

3. In the interest of fairness, this motion to stay all further proceedings should be granted. *Cahill v. New York, N.H. & H. R. Co.* - 351 U.S. 183 (1956).


4. In addition, the case at bar may not be fully briefed due to the Defendant's failure to answer the instant complaint, and as such, this action may require further briefing by [both] parties, before an [impartial] judge can make a rational and just ruling on the merits, and/or to allow Due Process to be properly and adequately applied.

**Wherefore**, the Plaintiff respectfully requests this Court to:

A. Stay all further proceedings until thirty days after the 1st Circuit Court of Appeals rules on the Plaintiff's "*Motion to recuse by petition for a writ of mandamus*", and

B. For such other relief that is actually just.

Respectfully Submitted,

  
Samuel Bourne individually,  
117 Pond Street  
East Bridgewater, MA 02333  
508-378-9319

Aug 23, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been forwarded via U.S. First Class Mail, postage prepaid, to counsel for the Defendant[s], Michael A. Delaney Attorney General of N.H., and Nancy J. Smith Senior Assistant Attorney General of N.H., 33 Capital Street Concord, N.H. 03301

